

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH
CAROLINA WESTERN DIVISION
FILE NO. 5:21-CV-00225-BO

JUDITH KNECHTGES,)	
)	
Plaintiff,)	
v.)	DECLARATION
)	OF
NC DEPARTMENT OF PUBLIC)	COUNSEL
SAFETY, et al.,)	
)	
Defendants.)	

I, Bryan Nichols, being competent to testify, and having personal knowledge of the matters herein, hereby state:

1. I am an adult over the age of 18, have never been adjudged incompetent, suffer from no mental or emotional illness, and make this declaration of my own free will, stating facts of which I have personal knowledge as counsel for the North Carolina Department of Adult Corrections (“DAC”), (which was formerly a part of the North Carolina Department of Public Safety (“DPS”)) and Defendants Hooks, Catlett and Thomas.

2. Attached hereto are documents produced pursuant to Local Civil Rule 7.1(i) as that, upon information and belief, the documents speak for themselves, it is anticipated that the existence of these documents will be uncontested, the facts contained therein solely relate to matters of formality, and there will be no substantial evidence offered in opposition.

3. These documents are either copies of filed pleadings with the North Carolina Office of Administrative Hearings (“NC OAH”) in Litigation Matters plaintiff Judith Knechtges was a party to and has been served or copies of documents on file with DPS or DAC made and kept as part of the regular court of business.

- a. **Exhibit 7** is a true and accurate copy of the Affidavit of Reuben Young filed on July 19, 2019 with the NC OAH in the case *Judith Knechteges v. North Carolina Department of Public Safety*, file number 19 OSP 1028. This filing was previously served on Plaintiff and she should already have a copy.
- b. **Exhibit 7.1** is a true and accurate copy of the Affidavit of Luann Roberts filed on September 6, 2019 with the NC OAH in the case *Judith Knechteges v. North Carolina Department of Public Safety*, file number 19 OSP 1028. This filing was previously served on Plaintiff as well as referenced exhibits and she should already have copies. In the affidavit, Exhibit 2 is identified as the CEO Posting, Exhibit 3 is identified as Plaintiff’s Application, the Exhibit 4 is identified as the Interview Summary, Exhibit 5 is identified as the Letter from Dr. Wilson to Kenneth Lassiter stating the reasons for their selection, which are all true and accurate records of DPS kept in the ordinary course of business.
- c. **Exhibit 7.2** is a true and accurate copy of the Affidavit of Anita Wilson filed on September 4, 2019 with the NC OAH in the case *Judith Knechteges v. North Carolina Department of Public Safety*,

file number 19 OSP 1028. This filing was previously served on Plaintiff as well as referenced exhibits and she should already have copies. In the affidavit, Exhibit 5 is identified as the Letter from Dr. Wilson to Kenneth Lassiter stating the reasons for their selection, which are all true and accurate records of DPS kept in the ordinary course of business.

- d. **Exhibit 8** is a true and accurate copy of the Affidavit of Erica Zendt filed with the NC OAH in the case *Judith Knechteges v. North Carolina Department of Public Safety*, file number 19 OSP 1028. This filing was previously served on Plaintiff as well and she should already have copies.
- e. **Exhibit 9** is a true and accurate copy of the Letter sent to Plaintiff on December 12, 2018 relieving her of her temporary assignment as Interim CEO which was filed as an Exhibit with the NC OAH entitled in the case *Judith Knechteges v. North Carolina Department of Public Safety*, file number 19 OSP 1028.
- f. **Exhibit 10** is a true and accurate copy of the pleading filed on February 22, 2019 with the NC OAH entitled Petition for a Contested Case Hearing in the case *Judith Knechteges v. North Carolina Department of Public Safety*, file number 19 OSP 1028. This filing was previously served on Plaintiff and she should already have a copy.

- g. **Exhibit 11** is a true and accurate copy of the pleading filed on July 29, 2019 with the NC OAH entitled Motion for Summary Judgment in the case *Judith Knechteges v. North Carolina Department of Public Safety*, file number 19 OSP 1028. This filing was previously served on Plaintiff and she should already have a copy.
- h. **Exhibit 12** is a true and accurate copy of the Order entered on September 11, 2019 by NC OAH Administrative Law Judge entitled Order on Petitioner's Motion to Strike and Respondent's Motion for Summary Judgment in the case *Judith Knechteges v. North Carolina Department of Public Safety*, file number 19 OSP 1028. This filing was previously served on Plaintiff and she should already have a copy.
- i. **Exhibit 13** is a true and accurate copy of the pleading filed on September 25, 2019 with the NC OAH entitled Motion for Relief from Judgment in the case *Judith Knechteges v. North Carolina Department of Public Safety*, file number 19 OSP 1028. This filing was previously served on Plaintiff and she should already have a copy.
- j. **Exhibit 14** is a true and accurate copy of the pleading filed on October 1, 2019 with the NC OAH entitled Voluntary Dismissal

Without Prejudice in the case *Judith Knechteges v. North Carolina Department of Public Safety*, file number 19 OSP 1028. This filing was previously served on Plaintiff and she should already have a copy.

k. **Exhibit 13** is a true and accurate copy of the pleading filed on September 25, 2019 with the NC OAH entitled Motion for Relief from Judgment in the case *Judith Knechteges v. North Carolina Department of Public Safety*, file number 19 OSP 1028. This filing was previously served on Plaintiff and she should already have a copy.

l. **Exhibit 14** is a true and accurate copy of the pleading filed on September 25, 2019 with the NC OAH entitled Voluntary Dismissal Without Prejudice in the case *Judith Knechteges v. North Carolina Department of Public Safety*, file number 19 OSP 1028. This filing was previously served on Plaintiff and she should already have a copy.

m. **Exhibit 15** is a true and accurate copy of the pleading filed on May 22, 2020 with the NC OAH entitled Petition for a Contested Case Hearing in the case *Judith Knechteges v. North Carolina Department of Public Safety*, file number 20 OSP 2124. This filing was previously served on Plaintiff and she should already have a

copy.

- n. **Exhibit 16** is a true and accurate copy of the pleading filed on August 19, 2020 with the NC OAH entitled Motion to Dismiss in the case *Judith Knechteges v. North Carolina Department of Public Safety*, file number 20 OSP 2124. This filing was previously served on Plaintiff and she should already have a copy.
- o. **Exhibit 17** is a true and accurate copy of the Final Decision entered on February 25, 2021 by the Administrative Law Judge in the case *Judith Knechteges v. North Carolina Department of Public Safety*, file number 20 OSP 2124. This filing was previously served on Plaintiff and she should already have a copy.
- p. **Exhibit 18** is a true and accurate copy of the pleading filed on March 23, 2021 with the NC OAH entitled Rule 59 and 60 Motion Motions in the case *Judith Knechteges v. North Carolina Department of Public Safety*, file number 20 OSP 2124. This filing was previously served on Plaintiff and she should already have a copy.
- q. **Exhibit 19** is a true and accurate copy of the Order Denying Petitioner's Rule 59 and Rule 60 Motions entered on April 20, 2021 by the Administrative Law Judge in the case *Judith*

Knechteges v. North Carolina Department of Public Safety, file number 20 OSP 2124. This filing was previously served on Plaintiff and she should already have a copy.

r. **Exhibit 20** is a true and accurate copy of the pleading filed on April 28, 2021 with the NC OAH entitled Notice of Appeal in the case *Judith Knechteges v. North Carolina Department of Public Safety*, file number 20 OSP 2124. This filing was previously served on Plaintiff and she should already have a copy.

s. **Exhibit 20** is a true and accurate copy of the Unpublished Opinion entered on February 7, 2023 by the North Carolina Court of Appeals in the case *Judith Knechteges v. North Carolina Department of Public Safety*, file number COA22-213 (OAH file number 20 OSP 2124) This filing was previously served on Plaintiff and she should already have a copy.

These contain only documents that were either written by Plaintiff, bear Plaintiff's signature, or were otherwise reviewed by Plaintiff. Thus, Plaintiff is aware of these documents and it is not anticipated that there will be substantial evidence offered in opposition as to the authenticity of the documents.

Pursuant to 28 U.S.C. § 1746(2), I verify under penalty of perjury that the foregoing Declaration is true and correct in substance and in fact to the best of my knowledge and belief.

Respectfully submitted this the 10th day of May, 2023.

/s/ Bryan G. Nichols
Bryan G. Nichols
Special Deputy Attorney General